

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

DEC 12 2019

David J. Bradley, Clerk of Court

United States of America

v.

Elijah Anthony SERNA

Case No.

H19-2293M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/11/2019 in the county of Walker in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC 2252A(a)(5)(B)

Offense Description

Any person who knowingly possess, or accesses with the intent to view, any material that contains an image of child pornography.

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Perry E. Wilson - FBI SA

Printed name and title

Sworn to before me and signed in my presence.

Date:

December 12, 2019

City and state:

Houston, TX



Judge's signature

Frances H. Stacy, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Perry E. Wilson, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the FBI office in Bryan, Texas. I have been so employed since May 2006. As part of my duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography, including the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography as defined in 18 U.S.C. § 2256 in several forms of media, including computer media. I have participated in the execution of numerous search warrants, many of which involved child exploitation and/or child pornography offenses. I am in routine contact with experts in the field of computers, computer forensics, and Internet investigations.
2. This Affidavit is being made in support of an application for a criminal complaint and an arrest warrant for ELIJAH SERNA, residing in Huntsville, Texas, located in the Southern District of Texas.
3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and based on my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child exploitation and pornography. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint and an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe ELIJAH SERNA has violated Title 18, United States Code, Section 2252A(a)(5)(B), which makes it a crime to possess child pornography.
4. As a result of the investigation described more fully below, there is probable cause to believe ELIJAH SERNA violated federal law 18 U.S.C. § 2252A(a)(5)(B) while in the Southern District of Texas.

Underlying Investigation and Probable Cause


5. This investigation was predicated on information provided by the U.S. Army Criminal Investigative Division (USACID) to the FBI's Kansas City Division, Manhattan RA. Investigation by USACID indicated a soldier named Wesley Avila was communicating and trading images of child pornography with an individual known to him as "Elijah." During an interview by law enforcement, Avila indicated he had communicated with "Elijah" through the online applications Instagram and Snapchat. Avila indicated he had been sent child pornography images of who he believed to be "Elijah's" minor relative via Snapchat. Further investigation revealed "Elijah" to be ELIJAH SERNA, who resided in Lubbock, Texas.
6. On September 25, 2019, a federal search warrant was served in order to obtain the contents of SERNA's Snapchat account, lijah1205. The return showed SERNA used the account to distribute and receive child pornography images and videos from at least October of 2018 to July of 2019. Multiple instances of SERNA filming sexual encounters with a minor were present on SERNA's Snapchat account as well. On more than one occasion, SERNA told the individuals he distributed the images and/or videos to that they were of himself and a minor relative.
7. Through the investigation it was learned that in August of 2019, SERNA moved to Huntsville, Texas, where he is enrolled at Sam Houston State University.
8. On December 11, 2019, FBI Special Agents executed a search warrant at SERNA's residence in Huntsville, Texas. During the execution of the search warrant on the residence, an interview was conducted. Prior to the interview, SERNA was verbally provided his advice of rights, to which he stated he understood and that he was willing to speak with law enforcement. During the course of the post-*Miranda* interview, SERNA stated that he video recorded himself performing oral sex on his minor relative, who was approximately 11-years old at the time. Further, SERNA stated he "grinded up" on the minor relative, by putting his penis on the victim's buttocks. SERNA stated the assaults occurred two or three times and that they occurred in McKinney, Texas. SERNA stated these videos

are both on his Snapchat account and on his phone. SERNA stated he last viewed the videos of his assault of the victim approximately one month ago.

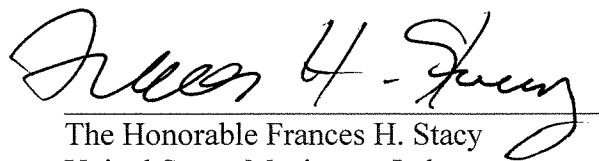
9. During the execution of the search warrant, SERNA's phone was seized and reviewed for images of child pornography. During a preliminary review of the phone, multiple images and videos depicting child pornography were observed, including, but not limited to the following:

- a. A video which depicts a hand pulling navy blue or black shorts away from the waist of a prepubescent child to expose the child's penis. The hand then touches and moves the child's penis.
- b. A video which shows a hand pulling grey and black shorts away from the waist of a prepubescent male to expose the child's penis. The person who pulled the shorts down then licks and appears to put their mouth on the child's penis.

10. Based on the above information, there is probable cause to believe that that on or about August 15, 2019, to on or about December 11, 2019, ELIJAH SERNA was in violation of 18 U.S.C. § 2252A(a)(5)(B) which, among other things, makes it a federal crime for any person to possess an image of child pornography.


Perry Wilson
Special Agent, FBI

Subscribed and sworn before me this 12th day of December, 2019 and I find probable cause.


The Honorable Frances H. Stacy
United States Magistrate Judge
Southern District of Texas